

SENATE BILL NO. 322
INTRODUCED BY FRITZ, NISBET

IN THE SENATE

FEBRUARY 8, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON HIGHWAYS & TRANSPORTATION.

FIRST READING.

FEBRUARY 22, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 23, 1991 PRINTING REPORT.

SECOND READING, DO PASS.

FEBRUARY 25, 1991 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 49; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON HIGHWAYS & TRANSPORTATION.

FIRST READING.

MARCH 18, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 20, 1991 SECOND READING, CONCURRED IN.

MARCH 21, 1991 THIRD READING, CONCURRED IN.
AYES, 97; NOES, 2.

RETURNED TO SENATE.

IN THE SENATE

MARCH 22, 1991 RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. 322
 2 INTRODUCED BY *John Nease*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE AN EXEMPTION
 5 TO MOTOR CARRIER LAWS FOR PRIVATE, NONPROFIT ORGANIZATIONS
 6 PROVIDING TRANSPORTATION OF HANDICAPPED AND ELDERLY PERSONS;
 7 AND AMENDING SECTION 69-12-102, MCA."
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 69-12-102, MCA, is amended to read:

11 "69-12-102. **Scope of chapter -- exemptions.** (1) This
 12 chapter does not affect:

13 (a) motor vehicles used in carrying property consisting
 14 of agricultural commodities (not including manufactured
 15 products thereof) if the motor vehicles are not used in
 16 carrying other property or passengers for compensation;

17 (b) the operation of school buses which are used in
 18 conveying pupils or other students enrolled in classes to
 19 and from district or other schools or in transportation
 20 movements related to school activities which are sponsored
 21 or supervised by school authorities;

22 (c) the transportation by means of motor vehicles in
 23 the regular course of business of employees, supplies, and
 24 materials by a person or corporation engaged exclusively in
 25 the construction or maintenance of highways or engaged

1 exclusively in logging or mining operations, insofar as the
 2 use of employees, supplies, and materials in construction
 3 and production is concerned;

4 (d) the transportation of property by motor vehicle in
 5 a city, town, or village with a population of less than 500
 6 persons according to the latest United States census or in
 7 the commercial areas thereof, as determined by the
 8 commission;

9 (e) the transportation of newspapers, newspaper
 10 supplements, periodicals, or magazines;

11 (f) tow trucks and wreckers designed and exclusively
 12 used in towing abandoned, wrecked, or disabled vehicles or
 13 while these tow trucks and wreckers are rendering assistance
 14 to abandoned, wrecked, or disabled vehicles;

15 (g) motor vehicles used exclusively in carrying junk
 16 vehicles from a collection point to a motor vehicle wrecking
 17 facility or a motor vehicle graveyard;

18 (h) ambulances;

19 (i) the transportation of pit run or processed sand and
 20 gravel, concrete mix, aggregate, plant mix asphalt pavement,
 21 aggregate mix, dirt, rock, material from demolished
 22 buildings and structures, used paving materials, used
 23 concrete, broken concrete, riprap, and other forms and types
 24 of materials transported solely for the purpose of
 25 excavation or fill;



1 (j) the transportation by motor vehicle of not more
 2 than 15 passengers between their places of residence or
 3 termini near their residences and their places of employment
 4 in a single daily round trip if the driver is also on his
 5 way to or from his place of employment;

6 (k) the transportation of property by motor carrier as
 7 part of a continuous movement if such property, prior or
 8 subsequent to such part of a continuous movement, has been
 9 or will be transported by an air carrier;

10 (l) the operation of:

11 (i) a transportation system by a municipality or
 12 transportation district as provided in Title 7, chapter 14,
 13 part 2; or

14 (ii) municipal bus service pursuant to Title 7, chapter
 15 14, part 44;

16 (m) armored motor vehicles used exclusively for the
 17 transportation of coins, currency, silver bullion, gold
 18 bullion, and other precious metals, precious stones,
 19 valuable paintings, and other items of unusual value
 20 requiring special handling and security; or

21 (n) the transportation of a commodity under an
 22 agreement between a motor carrier and an office or agency of
 23 the United States government; or

24 (o) the transportation of handicapped or elderly
 25 persons provided by private, nonprofit organizations.

1 (2) This chapter does not prevent bona fide leases,
 2 brokerage agreements, or buy-and-sell agreements."

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

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18 conveying pupils or other students enrolled in classes to
19 and from district or other schools or in transportation
20 movements related to school activities which are sponsored
21 or supervised by school authorities;

22 (c) the transportation by means of motor vehicles in
23 the regular course of business of employees, supplies, and
24 materials by a person or corporation engaged exclusively in
25 the construction or maintenance of highways or engaged

1 exclusively in logging or mining operations, insofar as the
2 use of employees, supplies, and materials in construction
3 and production is concerned;

4 (d) the transportation of property by motor vehicle in
5 a city, town, or village with a population of less than 500
6 persons according to the latest United States census or in
7 the commercial areas thereof, as determined by the
8 commission;

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12 used in towing abandoned, wrecked, or disabled vehicles or
13 while these tow trucks and wreckers are rendering assistance
14 to abandoned, wrecked, or disabled vehicles;

15 (g) motor vehicles used exclusively in carrying junk
16 vehicles from a collection point to a motor vehicle wrecking
17 facility or a motor vehicle graveyard;

18 (h) ambulances;

19 (i) the transportation of pit run or processed sand and
20 gravel, concrete mix, aggregate, plant mix asphalt pavement,
21 aggregate mix, dirt, rock, material from demolished
22 buildings and structures, used paving materials, used
23 concrete, broken concrete, riprap, and other forms and types
24 of materials transported solely for the purpose of
25 excavation or fill;

1 (j) the transportation by motor vehicle of not more
2 than 15 passengers between their places of residence or
3 termini near their residences and their places of employment
4 in a single daily round trip if the driver is also on his
5 way to or from his place of employment;

6 (k) the transportation of property by motor carrier as
7 part of a continuous movement if such property, prior or
8 subsequent to such part of a continuous movement, has been
9 or will be transported by an air carrier;

10 (l) the operation of:

11 (i) a transportation system by a municipality or
12 transportation district as provided in Title 7, chapter 14,
13 part 2; or

14 (ii) municipal bus service pursuant to Title 7, chapter
15 14, part 44;

16 (m) armored motor vehicles used exclusively for the
17 transportation of coins, currency, silver bullion, gold
18 bullion, and other precious metals, precious stones,
19 valuable paintings, and other items of unusual value
20 requiring special handling and security; or

21 (n) the transportation of a commodity under an
22 agreement between a motor carrier and an office or agency of
23 the United States government; or

24 (o) the transportation of handicapped or elderly
25 persons provided by private, nonprofit organizations. AS

1 USED IN THIS SUBSECTION:

2 (I) "HANDICAPPED" MEANS AN INDIVIDUAL WHO HAS A
3 PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE
4 OR MORE MAJOR LIFE ACTIVITIES;

5 (II) "ELDERLY" MEANS A PERSON 60 YEARS OF AGE OR OLDER;

6 AND

7 (III) "PRIVATE, NONPROFIT ORGANIZATION" MEANS AN
8 ORGANIZATION RECOGNIZED AS NONPROFIT UNDER SECTION 501(C) OF
9 THE INTERNAL REVENUE CODE.

10 (2) This chapter does not prevent bona fide leases,
11 brokerage agreements, or buy-and-sell agreements."

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